

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

KUROSH SHEIKHOLESAMI and	§	
HOORI SHEIKHOLESAMI	§	
	§	
V.	§	CASE NO. 4:11-CV-462
	§	Judge Schneider/Judge Mazzant
BAC HOME LOANS SERVICING, L.P.	§	

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 31, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP's Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. #22) be granted in part and denied in part.

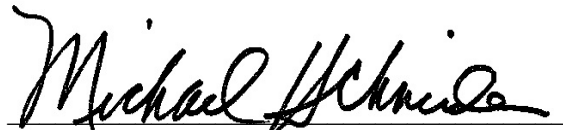
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP,'s Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. #22) is GRANTED in part, and the claims for violations of RESPA, DTPA, TDCA, and negligence

are DISMISSED with prejudice. All other claims shall remain at this time.

**It is SO ORDERED.**

**SIGNED this 29th day of February, 2012.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE